

Dynamics at the frontier between the demands of democracy and sociocultural imperatives: Human rights and school discipline in secondary schools in Malawi

Peter Ngwinjo Namphande¹
Curriculum and Teaching Studies Department
University of Malawi

pnamphande@unima.ac.mw
ORCID: 0000-0002-1916-3999

Abstract

Human rights gained prominence in sub-Saharan Africa in the wave of democratisation following the collapse of communism. After decades of repressive systems of government, the fledgling democracies took several measures to safeguard democracy, one of which was the introduction of human rights education and education for democratic citizenship in their education systems. This paper reports on a study in Malawi where the advent of democracy led to the introduction of a discipline policy in secondary schools that appeared controversial because it took away teachers' prerogative and unrestricted powers to discipline accused students. Since the policy came as a directive, without proper consultation of stakeholders, it caused an uproar on the secondary education landscape. The aim of this study was to explore and compare dynamics and forms of resistance that were found in two schools following their implementation of the discipline policy. Using the qualitative design and the comparative case study approach, the study generated data from two purposively sampled secondary schools of different types. The findings of the study showed that although the schools apparently followed the guidelines of the policy, the handling of cases was highly contextual, allowing each school to evade the elements of the policy that appeared controversial. The findings bring to the fore covert and subtle forms of resistance to policy implementation through the dynamics involved in the procedures for handling disciplinary cases. The article argues for a negotiated approach when there is a clash between sociocultural beliefs and policy changes dictated by 'universal' demands, otherwise policy implementation will be fraught with internal political undercurrents.

Keywords: School discipline, human rights, culture, social studies, Malawian secondary schools

Introduction and background

The fall of the Berlin wall in 1989 marked a turning point in political governance across the globe. Essentially, the 1990s experienced the highest growth in democratic states,

1. Peter Ngwinjo Namphande PhD is a senior lecturer and head of the Curriculum and Teaching Studies Department, School of Education, University of Malawi.

from 25% in 1973 to 68% in 1992 (Davies 1999). This 'wind of change' swept across Latin America, South East Asia, and sub-Saharan Africa (Harber & Trafford 1999). Englund (2006) asserts that with the fall of communism, countries in sub-Saharan Africa lost their strategic importance and their autocratic regimes were exposed. Democratisation was, therefore, seen as a panacea for the ills associated with previous autocratic regimes (Davies 1999). Ironically, the democratic reforms were reluctantly imposed on governments as a condition for receipt of aid (Brinkerhoff & Crosby 2002). In addition, the reforms were carried out so swiftly that the citizens of the fledgling democracies had little time to learn and develop skills and dispositions for democratic citizenship (Abdi, Ellis & Shizha 2005).

The democratisation process in sub-Saharan Africa, and Malawi in particular, necessitated a number of policy changes, most of which were top-down and undertaken without due consultation, with stakeholders who would be involved in the implementation. One such change was the introduction of a discipline policy in secondary schools in Malawi, which removed teachers' authority to punish students using unrestricted powers that did not respect the rights of accused students. This policy appeared controversial, as it brought the demands of 'universal' human rights on a collision path with Malawi's socio-cultural beliefs and practices regarding the role of the teacher, as an adult, in child upbringing. The repercussions of such a policy change may not be evident, due to the high-stakes consequences of non-compliance, but have led to some subtle dynamics and internal politics in the implementation phase.

Using human rights in Malawian secondary schools as a topic, this paper reports on a study that explored the dynamics that occur at the interface between democratic demands that are considered 'universal', and socio-cultural imperatives at the local level. The study was part of a larger study on education for democratic citizenship in Malawi; it examines the interaction between local cultures and externally-driven policies that were adopted in countries that attained democratic governance after the fall of communism. Since Malawi introduced the controversial discipline policy in 2000, no study had been undertaken to explore whether, with time, secondary schools have democratised their discipline procedures and further to explore how they deal with the tension between the demands of universal human rights and the maintenance of school discipline in a cultural setting where teachers used to wield unrestricted powers. The study, therefore, fills this gap, as it has explored practices in handling disciplinary cases and searched for cases of non-compliance to the policy directives and how such non-compliance is concealed from authorities. In this case, the aim of the study was to explore and compare the dynamics involved in the implementation of the school discipline policy between two schools of different types. Specifically, the study set out to answer the question: how do schools handle the 'controversial' elements of the guidelines of the disciplinary policy as they resolve cases?

The study firstly presents the political and educational context before exploring the tensions between human rights, which are presented as universal, and school discipline in Malawi. This is followed by a conceptual framework which provides the analytical lens for the study. The section on study design explains the approach, the sample, and ethical necessities. The findings and discussions are presented thematically using constant comparative analysis and thick description before the summing-up in the concluding remarks.

The political and educational context in Malawi

Malawi reintroduced multiparty democracy in 1993, after nearly 100 years of colonial and one-party repressive regimes. A constitutional review followed in 1994 in which the bill of rights was included in the new republican constitution (Chiponda 2007). This inclusion essentially meant that individuals and organisations had to embrace a culture of respect for human rights. Among the safeguards for protecting human rights was the creation of watchdog organisations such as the Office of The Ombudsman and the Malawi Human Rights Commission (Democracy Consolidation Programme 2004). In education, several initiatives were taken to align the system with democratic governance. Of interest to this study was the review of the secondary school curriculum in 1998, in which Social Studies was introduced as a carrier subject for human rights education, and citizenship education. The rationale for Social Studies was to provide students with skills and dispositions to participate actively as citizens of a democracy (Ministry of Education 1998). It is widely acknowledged that the aim of Social Studies is citizenship education, or the preparation of young people for active participation in society (Banks 1973; Hinde 2008; Rose 2003; Tibbitts 2005). In addition, there was abounding discourse on human rights in schools from non-governmental organisations and the media. Against the background of formerly repressive rule, human rights were presented as natural and universal. The aftermath of these developments was that Malawian secondary schools experienced a sharp rise in cases of indiscipline among both teachers and students (Kamangira & Kasambara 2010; Kuthemba-Mwale, Hauya & Tizifa 1996). What was problematic is that in an effort to curb student misbehaviour, discipline cases were handled with little regard to the rights of accused students. This resulted in an increase in complaints brought against the Ministry of Education (MoE) to courts of law, the Office of The Ombudsman, and the Malawi Human Rights Commission. Most often, the determination or judgements from the watchdog organisations went against MoE, which suffered public humiliation for its lack of respect for human rights.

Noting this predicament, MoE commissioned a study to investigate the causes of such indiscipline and how the situation could be managed. The outcome of the study blamed a misunderstanding of democracy among teachers and students. The report disclosed that there was greater focus on rights than their corresponding responsibilities. The report further blamed schools for handling disciplinary cases using authoritarian procedures that did not respect the rights of the accused persons (Kuthemba-Mwale, Hauya & Tizifa 1996). As a reaction, MoE issued a discipline policy directive which outlined guidelines for handling discipline cases (Ministry of Education 2000). One of the guidelines, for instance, was that accused students be given an opportunity to be heard before a verdict is passed and also that decisions made by schools be based on written evidence such as reports from accused students and witnesses. Obviously, these guidelines were a departure from previous practices in schools where teachers had the power and discretion to punish students who contravened school rules without considering the rights of the accused students. It can, therefore, be argued that the new policy was an affront to teachers' authority. In addition, the policy was at odds with the cultural role of teachers as guardians of students and custodians of discipline. What remained problematic was that MoE was forced by circumstances to enact this policy, which was in turn imposed on schools without consultation with teachers, who would be instrumental in its implementation.

Secondary education in Malawi

Public secondary schools in Malawi generally fall into two main categories, namely Conventional Secondary Schools and Community Day Secondary Schools. Interestingly, the development of secondary education runs parallel to the country's political history. Three distinct periods are worth noting, namely the colonial era from 1891 to 1964, the postcolonial dictatorship era from 1964 to 1993, and the multiparty democracy era from 1993 to the present (Chiponda 2007). In the colonial era, the provision of education was mostly left to Christian missionaries who focused on primary education to enable the natives to attain basic literacy skills. The first secondary school was opened in 1941, and by the time of independence in 1964 only 4 secondary schools were government-owned, while the remaining 14 were grant-aided and run by missionaries (Lamba 2010). These schools had a countrywide catchment area, hence offered boarding facilities. Admission was based on selection depending on candidates' performance in the national, standardised Primary School Leaving Certificate of Education (PSLCE) examinations. Due to their countrywide catchment area, these schools were later named national secondary schools and were elitist in nature. They had very limited interaction with surrounding communities because their clientele was beyond the local communities.

The next set of secondary schools were opened by the single-party government after attaining political independence. During the fight for independence, the Malawi Congress Party, which later formed the government, pledged to build at least a secondary school in each of the 24 districts once independence was attained (Lamba 2010). Hence, after independence, at least one secondary school was built in each district. These schools had a district-wide catchment area, and also offered boarding facilities. They got allocated the second tier of students following performance in PSLCE examinations. To distinguish them from the national secondary schools, these schools were called district secondary schools. However, the national and district secondary schools are collectively known as Conventional Secondary Schools (CSS) to distinguish them from Community Day Secondary Schools (CDSS), that are presented in the next paragraph. They are called Conventional secondary schools because they were purposively built as secondary schools with all essential facilities such as laboratories, libraries, graduate teachers, and relatively good teachers' houses made available.

The conventional secondary schools were the only public secondary schools available in Malawi prior to the advent of multiparty democracy, despite the increase in population. The majority of candidates that were not selected to secondary schools would enrol for distance learning with the Malawi College of Distance Education (MCDE). The MCDE issued study materials through the post and offered tutorials to students in Distance Education Centres, located in many areas across the country. With the advent of multiparty democracy, the new government converted all Distance Education Centres to Community Day Secondary Schools (CDSSs). The aim was to increase access to secondary education and also create a unified system of secondary education (Kadzamira & Ross 2001). However, the Community Day Secondary Schools were not correspondingly supported with relevant facilities, hence they operate under minimal resources. For example, most schools have substandard infrastructure built through community contribution, have no libraries, no laboratories, and are served by teachers with a certificate. They get the third tier of students

following PSLCE examinations and the students commute from homes on a daily basis, hence the name 'Day' school. Since the schools are locally situated and serve local communities, they have substantial interaction with community members. As a result, cultural influences are more noticeable in them than in Conventional secondary schools.

The cases in this study are a Conventional Secondary School and a Community Day Secondary School. To aid understanding, I provide a brief description of the two schools using pseudonyms, namely Kabanga Community Day Secondary School and Masese Conventional Secondary School.

Kabanga Community Day Secondary School

The school was established as a Centre for Distance Education in 1975. It was converted to become a CDSS alongside others in 1997. It is a co-educational school that enrolls students selected from the surrounding feeder primary schools. It receives limited support from central and local government and relies on community contributions for its operations. It enjoys very good relations with parents and community members, as evidenced by high attendance at meetings when parents are summoned by the school administration. Due to its rural location and having a localised constituency, the school appears to have strong cultural ties with the community.

Masese Conventional Secondary School

The school was purposively built as a co-educational secondary school in 1990. Due to limited access to secondary education and sparse population, the school has a district-wide catchment area and provides boarding facilities to all students enrolled. It has limited interaction with parents and the community, and most decisions on governance issues are made by the school administration. Where necessary, the school consults the Chairperson of the Executive committee of the Parents-Teachers Association (PTA). The school gets monthly subvention from central government for its operations.

Human rights, culture and school discipline

The history of human rights has been associated with controversy, and still remains a contested subject. Dembour (2010) argues that there is a lack of agreement on what constitutes human rights; that academic literature shows divergent meanings of human rights. She conceptualises human rights into four schools of thought. These are the Natural school, the Protest school, the Deliberative school, and the Discourse school, each of which has its own beliefs and agendas. She advances the theory that the human rights as Natural school of thought represents the core of human rights orthodoxy in which rights exist as entitlements regardless of the social context (Dembour 2010). However, presenting human rights unproblematised and as universal is contentious due to differences in contexts and how human rights principles are actualised (Jerome 2018; Zembylas, *et al.* 2017). Bowring (2012) actually regards human rights not only as contentious but also as scandalous, while Du Preez and Becker (2016) refer to human rights as a paradox. The observation that one can have rights and not enjoy them at the same time; and that human rights are

usually won through struggles, puts to question the assertion of human rights as entitlements (Bowring 2012; Du Preez & Becker 2016).

The controversy surrounding human rights also extends to human rights education. It has been observed that offering human rights education within the realm of citizenship education has likewise attracted some controversy. It is argued that making human rights education part of citizenship education can lead to a shift from having rights by virtue of being human, which is universal, to having rights as a citizen, which can lead to exclusive practices (Heater 1999; Hung 2012; Kiwan 2012; Turner 2011). Yet, the challenge is that although human rights are considered universal, for practical purposes, they are operationalised within the compromises and interests of the nation state (Kiwan 2012). Alternatively, where the school is taken as a site where democratic citizenship is practised, it is expected that human rights will apply across the school landscape (McCowan 2012). Put differently, the school will become a rights-respecting environment where teachers will respect students' rights and students will be socialised into a culture of respect for human rights and social justice (Mottee & Olivier 2006). What is problematic is that from a cultural viewpoint, demanding teachers to respect students' human rights can be viewed as an affront to the cultural authority and privilege of teachers. As Jerome (2018) confirms, the place of the teacher in human rights education is problematic because teachers belong to situated contexts. Jerome underscores that although policy-makers regard teachers as agents of the curriculum, in practice teachers are better considered as gatekeepers and controllers. Jerome (2018:49) further argues that 'teachers' agency should ... be understood as situated in their individual, political and professional narratives, within the institutional structures where they work, and within the broader political and cultural context within which schools operate'. This point underscores the role culture plays in education.

It is actually acknowledged that school practices do not take place in a sociological vacuum (Tabulawa 1997; Chonzi 2007). Essentially, school practices are influenced by the wider sociocultural environment. As Tabulawa (1997) asserts, school practices cannot be understood if they are dislocated from the sociocultural milieu. Chonzi (2007) argues that African traditional societies stress the importance of obedience and respect for elders among the youth. Elders are considered a source of wisdom, hence they should be listened to without questioning. Additionally, Africa's history of colonialism and dictatorship offers little precedence for institutions such as schools to learn democracy, and by extension, respect for human rights (Chonzi 2007). Similarly, Tabulawa (1997) posits that African traditional culture perceives children as a deficit system. Children are considered to be ignorant while adults are considered fountains of wisdom which must be transferred to the children in the process of growing up. It can, therefore, be argued that the cultural role of the teacher as an adult considered alongside her/his position in society as a fountain of knowledge may legitimise authoritarian practices in schools. It can further be argued that to a teacher, this position is enviable because it comes with a lot of power. Any policy change that threatens this power may, therefore, be considered an intrusion on teachers' cultural and professional space. Likewise, any policy change that empowers students will be highly contentious.

With respect to children, Wyness, Harrison and Buchanan (2004) consider two categories of children's rights, namely rights to welfare and rights to self-determination. Rights to welfare give adults power over children and responsibility to provide for the needs of children, such as education. This responsibility fits well with

the cultural role of adults and teachers. On the contrary, rights to self-determination take powers and obligations from adults as children take the responsibility to make their own decisions. This right is, therefore, at odds with adult privilege and as research in South Africa (Hunt 2011; Hunt 2014; Karlsson 2002) and Malawi (Namphande *et al.* 2017) has shown, it is highly contentious. As Starr (2011) confirms, the process of change can be problematic if it requires people to give up long-held values, beliefs and established practices. Any policy that challenges people's beliefs and values is regarded as contentious. Similarly, Bisschoff (2009) contends that top-down laws [and policies] create tension between teachers and students because they interfere with cultural beliefs that are held highly by teachers. Where the departure point of a policy reform is a directive, such as the school discipline policy in Malawi, compliance may be a result of coercion or cowardice due to high-stakes consequences of noncompliance (Starr 2011). In this case, silent and passive forms of resistance may be employed to avoid the wrath of authorities (Brinkerhoff & Crosby 2002). The next section presents the conceptual framework which guided the interpretation of the findings.

Conceptual framework

The conceptual framework draws on the works of Brinkerhoff and Crosby (2002) on policy change in developing countries. Brinkerhoff and Crosby (2002) posit that policy change in developing countries is contentious because it is stimulated by sources outside government. Most often, these are external sources such as international organisations who attach conditions for developing countries to access facilities such as loans, hence the policy changes are adopted reluctantly. Under such circumstances, policy reforms are highly controversial because they lead to shifts in relations among stakeholders at various levels leading to new winners and new losers. The existence of powerful opposition to policy initiatives explains why it is difficult to get policy initiatives moving. Policy implementation, therefore, gets complicated when the losers are in more powerful positions to defend their interests and resist change than those who stand to gain. Starr (2011:647) defines resistance as 'negative actions and non-action, ill-will and resentment, and defensive and confrontational dispositions'. Brinkerhoff and Crosby (2002) consider resistance as a form of participation in policy reform, albeit a negative one. They argue that participation, such as consultation, in policy initiatives is not only democratic, but also increases support, legitimacy, accountability, and responsiveness for a particular policy. Without consultation, there will be negative participation, which can be violent and aggressive, such as protests and demonstrations (Brinkerhoff & Crosby 2002; Starr 2011). In the case of government agents who are negatively affected by new policies, different mechanisms for negative participation may be employed. They may choose to be passive, or not act on the new policy directives, they may reject orders from superiors, or they may block implementation of the new policy by refusing to authorise needed resources (Brinkerhoff & Crosby 2002; Starr 2011). Strategies of non-compliance such as foot dragging, feigned ignorance, false compliance, or sabotage provide means by which stakeholders inside government can critique policy without drawing the wrath of authorities. For opponents or losers, this may be their only means of participation (Brinkerhoff & Crosby 2002).

Considering that the democratisation process in sub-Saharan Africa was to a large extent an external imposition, the policy changes that followed resulted in shifts in power relations within government organisations. Specifically, Malawi's lack of stakeholder consultation in enacting the secondary school discipline policy resulted in teachers losing power on one hand and students getting empowered on the other hand. Teachers as powerful losers in this policy initiative were, therefore, likely to apply some form of concealed resistance so as to avoid the wrath of government and human rights watchdog organisations. This study was undertaken to explore and compare the dynamics involved in the implementation of the school discipline policy between two different types of schools.

Methodology

The study employed the qualitative research design and the comparative case study approach. The perceptions of research participants were given prominence because they gave meaning to the study (Ary *et al.* 2010; Wiersma & Jurs 2009). Yin (2014:16) argues that the case study investigates a contemporary phenomenon, the 'case', in-depth and within its real-world context. Two purposively sampled secondary schools of diverse backgrounds served as cases. As noted earlier, the cases were a community day secondary school (CDSS) and a conventional secondary school (CSS).

At each school, data were generated from semi-structured, in-depth interviews with the head teacher and the Social Studies teacher. The interviews allowed for flexibility in following up on issues (Thomas 2011). In addition, focus group discussions were conducted with form 3 students. The focus group discussion is socially oriented; hence it created a relaxed atmosphere for students to freely express themselves (Krueger & Casey 2009). Marshall and Rossman (2006) argue that all research must respond to canons of quality against which their trustworthiness can be evaluated. Trustworthiness was assured in this study through the variation of data sources which aided triangulation and ensured that multiple voices were heard. Data were analysed using themes; the findings are presented thematically using thick description (Holliday 2002) and direct quotes from participants.

The study involved students, who are minors, hence had to adhere to strict ethical requirements. Written permission was obtained from the Ministry of Education headquarters and informed consent was obtained from headteachers and Social Studies teachers while students gave their informed assent. To ensure anonymity of schools and research participants, pseudonyms are used.

It is worth reiterating that students are selected to either of the schools by the central government based on results of PSLCE and the catchment area of feeder primary schools, and also that teachers in both schools are employed and paid by central government. The following section presents and discusses the study's findings.

Findings and discussion

The aim of the study was to explore and compare the dynamics involved in the implementation of the school discipline policy between two schools of different types. As noted earlier, the study specifically set out to answer the question: how do schools handle the 'controversial' elements of the guidelines of the discipline policy as they resolve cases? The study observed some effort by both schools to comply with the

guidelines provided in the policy. However, there was also some form of resistance and negative participation in the implementation of the policy. The resistance was calculated but elusive, to ensure that it did not attract unwanted attention. There were, however, noticeable differences in the dynamics of resistance between the schools. This section, therefore, presents and discusses these findings under two main themes, namely: *False compliance with the 'Right to be heard'* and *Protective shield of 'Parental involvement'*.

False compliance with the 'Right to be heard'

The study noted that both schools apparently complied with the rule that required schools to give accused students an opportunity to be heard before a verdict was passed. This was done through 'hearings' in which accused students were meant to be heard and defend themselves. However, the study noted that the 'hearings' were not conducted in good faith and were not meant to earnestly give accused students an authentic opportunity to be heard. This was the case because in both schools, the hearings had no consequence on outcomes as students would still be found guilty of what they were accused of. There were, nevertheless, notable differences in the procedures and dynamics of the hearings between the schools once a student had allegedly committed an offence.

At Kabanga Community Day School, the accused student would be summoned to appear before a school disciplinary committee, composed of teachers only, in a 'court hearing'. At the court hearing, the accused student would formally be informed of his or her culpability, pressured to accept guilt, and afterwards forced to write a self-confession report. In this case, it can be argued, the report was written for record-keeping purposes, and not to allow the student to explain his or her side of the story. The Head teacher informed this study that during the court hearings 'those who are culprits are called, they are interviewed, once they admit their offence they are given some piece of paper to write a report'. The use of the word 'culprit' in this case removes the presumption of innocence until proved guilty. Even students realised that despite the court hearings, their right to be heard before being condemned was violated. In a focus group discussion, they reported that when accused students try to protest the verdict of a court hearing, citing their right to be heard and requesting leave to bring forth their witnesses, they were reminded that the school was run by its 'set of rules and not by what you are taught in class!'. This shows that there was a demarcation between the rights that students learn about in their Social Studies class and how these rights were actualised in practice. This observation agrees with the views of Wadham, Owens, and Skryzpiec (2014) who complain that student voices are often silenced as the adult population express them in terms of trouble. This practice, therefore, puts into question the principle of human rights as entitlements and also sends contradicting messages to students about actualisation of human rights. In a cultural setting where teachers exhibit more power than students, this practice is not surprising. Actually, Wyness (1999) argues that teachers consider schooling as their own domain. Wyness (1999:356) maintains that 'schools remain the worlds of teachers in which children are temporary guests'. It can, therefore, be argued that the court hearings were a façade meant to deceive authorities that accused students had the right to be heard and to defend themselves. In this case, minutes of the court hearings and 'self-confession' reports by students would be good evidence to show that students were given opportunities to be heard before verdicts were passed.

At Masese Conventional Secondary School, on the other hand, there was some discernable effort to follow policy guidelines in resolving disciplinary cases. The procedure involved informing the accused student that she or he had a case to answer at a disciplinary hearing, and formally communicating in writing all charges against her or him on 'charges of offence'. The issuing of charges of offence would later be followed by a disciplinary hearing. It is, nevertheless, worth mentioning that the school required all accused students to be accompanied by their parents or guardians at the disciplinary hearings. During these hearings, members of the discipline committee, comprising teachers only, would give the accused students an opportunity to be heard before a verdict is passed. The study, however, observed that although the school apparently complied with the policy guidelines, the dynamics involved in resolving cases exhibited elements of false compliance with the policy. The study established that the right of accused students to be considered innocent until proved guilty was compromised.

As earlier noted, all accused students were required to be accompanied to the hearings by their parents. Due to this requirement, once a student is given 'charges of offence' she or he is not allowed to attend lessons. Instead, the student is chased away from the boarding and immediately sent home to bring a parent for the disciplinary hearing. However, disciplinary hearings took place only on Fridays, hence in the meantime the accused student had to remain at home awaiting the hearing. The Social Studies teacher explained that '... the discipline [committee] seats on Fridays. So, if you commit [an offence] on a Saturday, it means you are unfortunate. You will have to meet the discipline [committee] next Friday.' Essentially, this means that the accused student starts serving a punishment even before the hearing takes place. The study, therefore, argues that this practice could be a calculated move by teachers to show that in spite of the policy, they hold the power to decide the course of action once a student has allegedly committed an offence.

Furthermore, the study observed that the disciplinary hearings took place as a matter of procedure to seemingly satisfy the demands of the policy and not to give students an authentic opportunity to be heard. For example, when the Social Studies teacher was asked what happens when students spend time at home but eventually get cleared off their charges following a disciplinary hearing, he responded that such a scenario had never happened at the school. He was, nevertheless, quick to point out that the week spent at home was considered when handing a punishment:

Only that what happens is that if a student goes for maybe a week ... according to when a Friday falls, when charging them, we include this week when they were away, in terms of suspension. We are very considerate (Social Studies teacher, Masese Conventional Secondary School).

It can, therefore, be argued that the school exhibited false compliance with the policy (Brinkerhoff & Crosby 2002) and that the disciplinary hearings were tokenistic (Arnstein 1969), undertaken as a requirement to avoid the wrath of officials and watchdog organisations. Even students realised that once given 'charges of offence', they would be found guilty as charged and that the disciplinary hearings would be of no consequence. The students understood that these practices were a violation of their rights and at times they reacted to the procedure. Explaining one instance when students reacted, a student said:

For example, last term there was a strike [riot]. The Form 1s had reported some Form 3s of teasing, and the administration did not have that time to give the people who are being reported [accused] there [an opportunity to explain] what they did and what were their aims of doing that, so they just wrote their names. They were 34 students and they said they should have a suspension (Student in a Focus Group Discussion, Masese Conventional Secondary School).

The head teacher, however, disputed the claim that 34 students had been suspended before being heard. Instead, he explained that the riots took place after the accused students had been given 'charges of offence' to go home awaiting disciplinary hearings. Considering the dynamics involved in the resolution of discipline cases, it can be argued that the charges of offence were as good as letters of suspension, since the hearings were fronts to formally issue verdicts. This observation supports the findings of other studies done in secondary schools in Malawi (Luhanga 2010; Sakala 2009) on resolution of discipline cases where it was noted that students' views did not count during disciplinary hearings because teachers did not want to waste time with 'law breakers'.

Protective shield of 'Parental involvement'

The study noted that all schools worked with parents and guardians on issues of governance and particularly in resolving disciplinary cases. Due to differences in school types, the nature of parental involvement varied. In spite of the variations, the 'dealings' with parents in both schools ensured that teacher discretion had the upper hand over policy guidelines. Schools used parental guidance as a shield for teachers as they digressed from the policy. This was more noticeable at Kabanga Community Day School than at Masese Conventional Secondary School.

As noted earlier, there was a close working relationship on issues of governance between teachers and parents at Kabanga Community Day School. Of interest to this study was the observation that this parental involvement was occasioned by teachers and depended on the emergence of issues that required parental and community contribution. The study learned that during meetings, teachers shrewdly steered discussions to arrive at expected outcomes. Specifically, parents and the community were used to rubberstamp suggestions from teachers. For instance, when asked about the role that parents and community members play in the affairs of the school, the Social Studies teacher responded that:

I feel like the community has not taken an active role. Because even for Parents-Teachers [Association] meetings that we have had ... parents are just there to hear what the school will do for that particular academic session. So, they don't have much of a say, they just say, "do whatever it takes so that our children ... learn and ... pass exams". So, parents are just there, they delegate everything to the school (Social Studies teacher, Kabanga Community Day School).

The study observed that the school used this parental and community involvement to change the disciplinary procedures from what was stipulated in policy guidelines and made them more authoritarian. Probing on how the school handled the discipline policy from the Ministry of Education, it was attested that the school actually called for a general assembly of the Parents-Teachers Association (PTA) to discuss rising cases

of indiscipline. At this meeting, teachers presented the policy guidelines as inadequate and ineffective in dealing with purported student indiscipline and asked parents for their guidance. As a reaction, parents directed the school administration to 'devise means to deal' with the students and ensure that discipline was restored. Using this 'parental guidance', the school altered the existing rules and brought in new draconian rules. Porter (2014) considers participation at the invitation of school authorities as problematic, because teachers steer the agenda and demarcate the boundaries for participation. Arnstein (1969) considers this kind of participation as manipulative. Yamada (2014) actually argues that although there have been efforts to decentralise decision-making in Africa, the process may result in the re-concentration of powers to schools and head teachers. High adult illiteracy has been blamed for such a situation which results in a power imbalance between teachers, who are considered as fountains of knowledge, and parents and community members who are considered ignorant. The study, therefore, argues that the school used parent and community participation with 'ill-will' (Starr 2011) as a platform to mount resistance to the controversial policy. Unsurprisingly, the head teacher was certain that the alterations in the application of the discipline policy would not put the school on a collision path with Ministry of Education officials, because the school was only responding to the demands of parents.

The study further noted that the school administration and the parents reinforced each other to make the school landscape autocratic. Once parents gave the school the authority to make rules stiff, they expected the school to act with discretion and stop referring issues back to them. Commenting on how stiff penalties could be even for petty offences, the Social Studies teacher explained that:

Sometimes I feel like its abuse, because in terms of discipline cases, you find [that] the community can say "punish them as you can!". So, you ask "should we send this student home [for suspension] for this incident?" But the community is expecting us to send him or her home, so we always do to please the community (Social Studies teacher, Kabanga Community Day School).

Since teachers and parents connive to create a regressive human rights environment, students get isolated and have no means of voicing their concerns even where their rights have been violated. As noted earlier, although accused students referred to their rights when being suspended, they would constantly be reminded that the school was governed by a set of rules that were arrived at collaboratively with their parents and not by what they learned in class. The study, therefore, affirms that from a cultural standpoint, the position of teachers at the school was enviable because they had the confidence of parents and also the authority over students as custodians of order and fountains of knowledge. This resulted in teachers claiming their cultural and professional power that was snatched away by the controversial discipline policy. The process regrettably leads to the resilience of authoritarian practices. This study considers the school's manipulative parental involvement as a form of sabotage (Brinkerhoff & Crosby 2002) against the discipline policy aimed at undermining a culture of human rights in the school. In this case, parents and the community were used as a shield to protect teachers against any repercussions of non-compliance to the policy since the school would apparently be responding to the demands of

parents. Where there is tension between socio-cultural practices and universal policy demands that appear controversial, it might be considered as a mark of a responsive school to dance to the purported demands of parents and the community.

At Masese Conventional Secondary School, on the other hand, the role of parents was less noticeable. It should, however, be recalled that parents were required to attend disciplinary hearings of their accused children. The study noted that although parents were invited to disciplinary hearings, their role was limited to counselling and shaming the children for their bad behaviour. The study finds this expected role of parents not surprising, considering that culturally parents are expected to side with teachers in order to 'correct' children's untoward behaviour. A parent siding with an accused child against teachers, even where the child's rights have apparently not been respected, is considered as condoning bad behaviour. Such an attitude by a parent is seen as a recipe for spoiling the child. These dynamics in the process of disciplining students allow teachers to have a strong grip on discipline and consider issues of human rights as formalities to be undertaken to outwardly satisfy the requirements of the policy and not to ensure that a culture of human rights prevails. Writing about South Africa, Karlsson (2002) argues that where parents and teachers share the decision-making space, there is a power imbalance in favour of teachers due to their influential positions as executors of decisions and also because they have direct access to information from government. Similarly, Porter (2014) states that the role of parents as 'invited' participants in the decision-making process allows teachers to mediate the process. Employing these silent dynamics, teachers reclaim their lost powers by evading the controversial elements of the discipline policy which posed a threat to their cultural and professional privilege. In the process, they gain some latitude to silently bring back authoritarian practices that are not in line with a democratic culture.

Concluding remarks

The study explored the dynamics that have taken place in schools as teachers navigated the controversial school discipline policy that took away their power and cultural privilege. The study found that while appearing to comply with the policy, there were some undercurrents in schools that allowed teachers to evade controversial elements of the policy. As noted in the study, parental involvement was deceptively solicited to aid the process of policy contestation. Due to perceived high-stakes consequences of noncompliance, schools employed subtle forms of resistance that made it difficult for authorities to detect any dynamics of negative participation. As this study has shown, the contradictory role of teachers as gatekeepers to new innovations and also as implementers of the new policy reforms makes the school landscape very problematic, especially considering that teachers stand to lose some authority from this policy reform. As powerful losers, these dynamics are unsurprising. As Harber and Mncube (2010) attest, significant shifts in practices in teachers and schools rarely happen when mandated from above. There is always bound to be resistance at organisational, cultural, and individual levels. This study has exposed tensions between ingrained local school practices that stem from sociocultural beliefs and policy reforms that originate from 'universal' democratic imperatives and get forced on schools without due consultation with relevant stakeholders who would be instrumental at the implementation front.

Using the contestation between the maintenance of school discipline and respect for human rights in Malawian secondary schools, this study has problematised the school as a point of interface and a controversial landscape over which the tension between the 'universal' and the local is played out. Considering that education does not take place in a sociological vacuum and that school practices are influenced by practices in the wider sociocultural environment, this contestation was not unexpected. The study, therefore, argues that where there is a collision between essential demands such as human rights and local sociocultural imperatives, there should be a negotiated approach to allow local practices to adjust and adapt to demands. The approach may require in-service teacher initiatives, community sensitisation, and close monitoring to take effect.

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